

## **EXHIBIT “G”**

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UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

CORNELIUS HILL  
and  
TRUDIE HASTINGS HILL, H/W

Plaintiffs,

NO. 02-CV-2713

v.  
N.B. NIEDERELBE SCHIFFFAHRTSFES.  
mbH & CO.

F. LAEISZ SCHIFFFAHRTSGES.mbh & CO.  
and  
CROWLEY AMERICAN TRANSPORT

Defendants.

**FILED OCT 24 2002**

**ANSWER OF DEFENDANT F. LAEISZ SCHIFFFAHRTSGES.mbh & CO. TO  
PLAINTIFFS' AMENDED COMPLAINT**

Defendant F. Laeisz Schiffahrtsges.mbh & Co. ("Laeisz"), by and through its attorneys,  
Rawle & Henderson, LLP, answers plaintiffs' Amended Complaint as follows:

1. Answering defendant is without knowledge or information sufficient to form a belief  
as to the truth of the allegations contained in paragraph 1 of plaintiffs' Amended Complaint and,  
accordingly, denies same and demands proof thereof.

2. The allegations contained in paragraph 2 of plaintiffs' Amended Complaint are  
directed to another defendant, and are neither admitted nor denied by answering defendant.  
However, it is admitted that "Priwall" was the owner of the SEA PANTHER on August 25, 2000.

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3. It is admitted that defendant Laeisz is a corporation incorporated in the Republic of Germany. The remaining allegations contained in paragraph 3 of plaintiffs' Amended Complaint are denied.

4. The allegations contained in paragraph 4 of plaintiffs' Amended Complaint are directed to another defendant, and are neither admitted nor denied by answering defendant.

5. The allegations contained in paragraph 5 of plaintiffs' Amended Complaint are directed to another defendant, and are neither admitted nor denied by answering defendant.

6. The allegations contained in paragraph 6 of plaintiffs' Amended Complaint are directed to another defendant, and are neither admitted nor denied by answering defendant.

7. The allegations contained in paragraph 7 of plaintiffs' Amended Complaint are directed to another defendant, and are neither admitted nor denied by answering defendant.

8. The allegations contained in paragraph 8 of plaintiffs' Amended Complaint are averments of law to which no response is required.

9. The allegations contained in paragraph 9 of plaintiffs' Amended Complaint concerning jurisdiction are conclusions of law to which no response is required. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in paragraph 9 of the Amended Complaint pertaining to the amount in controversy, and, therefore, denies the same.

10. Denied as stated. It is admitted that defendant Laeisz was the manager of the SEA PANTHER, that "Priwall" owned the vessel, and that defendant Crowley American Transport was charterer of the vessel on August 25, 2000. The remaining averments in paragraph 10 of the

Amended Complaint are conclusions of law to which no response is required. However, not in derogation of the foregoing objection, the loading and discharging stevedores had primary responsibility for the proper loading, lashing, securing, unlashng and discharging of the containers from the SEA PANTHER.

11. Admitted.

12. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 12 of the Amended Complaint and, therefore, denies the same. However, it is specifically denied that plaintiff was a business visitor aboard the vessel on the date in question.

13. Denied as stated. It is admitted only that the SEA PANTHER was being discharged by an independent stevedoring contractor on August 25, 2000. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining averments in paragraph 13 of the Amended Complaint and, therefore, denies the same.

14. Denied as to answering defendant.

15. It is denied that answering defendant was careless and/or negligent. Answering defendant is without knowledge or information sufficient to form a belief as to the remaining averments contained in paragraph 15 of the Amended Complaint and, therefore, denies the same.

**Count II**

16. Answering defendant is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 16 of the Amended Complaint and, therefore, denies the same.

17. Answering defendant's responses to paragraphs 1 through 15 are hereby incorporated as though set forth fully at length.

18. It is denied that plaintiff's wife is entitled to any relief under Section 905(b) of the Longshore and Harbor Workers' Compensation Act.

**FIRST SEPARATE DEFENSE**

Plaintiffs have failed to state a claim against answering defendant for which relief can be granted.

**SECOND SEPARATE DEFENSE**

Plaintiffs' exclusive remedy is provided by the Longshore and Harbor Workers' Compensation Act.

**THIRD SEPARATE DEFENSE**

Answering defendant avers upon information and belief that as a result of the injuries alleged in this suit, plaintiff Cornelius Hill received compensation benefits through the Longshore and Harbor Workers' Compensation Act ("LHWCA") from his employer and his employer's insurer. Plaintiff Cornelius Hill is, therefore, not the real party in interest with respect to that portion of the total claim of damages which represents compensation already paid and/or to be paid

the plaintiff under any provisions of the LHWCA to which the plaintiff's employer or his employer's insurer had thereby become subrogated.

**FOURTH SEPARATE DEFENSE**

Plaintiff is not the real party in interest and the Amended Complaint herein is barred inasmuch as the cause sued upon has been statutorily re-assigned to the stevedore employer pursuant to §933(b) of the LHWCA.

**FIFTH SEPARATE DEFENSE**

Plaintiff's alleged injuries and/or losses, said injuries or losses being denied, were entirely or substantially caused by the plaintiff's own negligence and/or the negligence of his employer and/or the negligence of co-defendant and/or the negligence of other parties or persons for whom the answering defendant has no responsibility.

**SIXTH SEPARATE DEFENSE**

The condition alleged by plaintiffs, the existence of which is denied by answering defendant, was open and obvious and exclusively within the operational control of the plaintiff and his employer, the expert stevedore.

**SEVENTH SEPARATE DEFENSE**

Plaintiff assumed the risk of any alleged injuries and/or alleged accident.

**EIGHTH SEPARATE DEFENSE**

Plaintiff has failed to mitigate his damages.

**NINTH SEPARATE DEFENSE**

The negligence of the expert stevedore, including the plaintiff longshoreman, was the sole cause of the alleged accident.

**TENTH SEPARATE DEFENSE**

Plaintiff was guilty of contributory negligence and, therefore, any recovery by plaintiffs must be reduced by the percentage share of plaintiff's negligence.

**ELEVENTH SEPARATE DEFENSE**

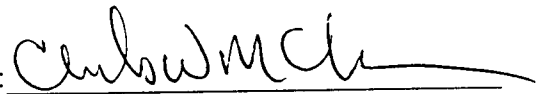
Answering defendant owed no duty to plaintiff.

**TWELFTH SEPARATE DEFENSE**

Answering defendant raises the defense of lack of personal jurisdiction.

WHEREFORE answering defendant prays that judgment be entered in its favor and against the plaintiffs, dismissing plaintiffs' Amended Complaint at plaintiffs' cost, together with an award of attorney's fees and such further relief as this Honorable Court deems appropriate under the circumstances.

RAWLE & HENDERSON LLP

By: 

Carl D. Buchholz, III  
Charles W. McCammon  
Attorneys for Defendant,  
Laeisz Schiffahrtsges.mbH & Co.

The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
(215) 575-4200

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of our Answer on behalf of defendant F. Laeisz Schiffahrtsges.mbH & Co. was sent by first-class mail, postage prepaid, to the following counsel of record:

E. Alfred Smith, Esquire  
E. Alfred Smith & Associates  
1333 Race Street, Second Floor  
Philadelphia, PA 19107

**RAWLE & HENDERSON LLP**

By: 

Carl D. Buchholz, III, Esquire  
Identification No. 14085  
Charles W. McCammon, Esquire  
Identification No. 85657  
Attorneys for Defendant,  
Crowley American Transport, Inc.

The Widener Building  
One South Penn Square  
Philadelphia, PA 19107  
(215) 575-4200

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